IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

J U D G M E N T

(1)S.B. CIVIL WRIT PETITION NO. 605/1998
GEETA Vs. STATE OF RAJASTHAN & ORS.
&
(2) S.B. CIVIL WRIT PETITION NO. 606/1998
GOPAL TELI Vs. STATE OF RAJASTHAN & ORS.

Date: 19.10.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Neeraj Bhatt for the petitioners.
Mr. B.S. Chhaba, Addl. GA for the respondents.

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Since both the writ petitions involve similar question of law, therefore, they are being decided by this common judgment.

The facts of the case of 'Geeta' are taken as leading case. The short controversy in this writ petition is that even the petitioner has not completed 240 days in one calender year for the purposes of giving status of semi permanent. As per Work Charge Rules the period should be counted.

In support of his submissions, the learned counsel for the petitioner placed reliance on the judgment rendered by this Court in ***S.B. Civil Writ Petition No. 2813/1996- Union of India Vs. Laxmi Narain, decided on 12.02.98.***

Learned counsel for the respondents drawn my attention towards a circular dated 24.06.92 issued by the Government of Rajasthan, wherein attention was drawn towards the ***judgment passed by the Hon'ble Supreme Court reported in AIR 1992 SC 789 in the matter of Delhi Development Horticulture Employee Union Vs. Delhi Administration,*** wherein it has been held that persons employed on daily wages under Jawahar Rozgar Yojna cannot be guaranteed equal pay for equal work and a right to regularisation even after completion of employment of 240 days. The primary object of J.R.Y. and similar other schemes is to provide employment to those who are below poverty line particularly when they are without any source of livelihood. The secondary objective of such schemes is the creation of rural economic infrastructure and assets which provide direct and continuous benefits. According to the judgment of the Hon'ble Supreme Court passed in the matter of Delhi Development Horticulture Employee Union Vs. Delhi Administration (supra), those employed under such schemes cannot claim more than what the schemes intend to give and temporary employment under such scheme does not lead to and right to regularisation of employment.

In view of this judgment, the Special Schemes & IRD Department, Government of Rajasthan has directed

all the implementing agencies of such schemes to ensure that no permanent liability is created through regularisation of services of any person employed for a temporary period for specific work in the implementation of such schemes.

Further petitioner Geeta is not working in special scheme, whereas petitioner Gopal Teli is working in special scheme. In view of the judgment rendered by the Hon'ble Supreme Court, the case of the petitioner was also considered for declaring her semi permanent and the status of semi permanent has been given w.e.f. 01.04.91 and the petitioner is not entitled to get the status of semi permanent counting the period from initial appointment as the petitioner has not worked for more than 240 days in one calender year.

Having considered the rival submissions of the respective parties and upon careful perusal of the Judgment rendered by the Hon'ble Supreme Court in the case of ***Delhi Development Horticulture Employee Union Vs. Delhi Administration (supra),*** since semi permanent status has been given to the petitioner, the petitioner has no right to claim regularisation for the period she has not worked for more than 240 days in one calender year.

In view of the ratio decided by the Hon'ble Supreme Court in the aforementioned case, both the writ petitions fail and the same are hereby dismissed.

(K.S. RATHORE),J.

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